IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 182 OF 1997.

The Commissioner of Income TaX ... Applicant.

V/s.

M/s Burlington of Bombay.. .. Respondent.

Shri Pankaj Kapoor with Shri Ashok Kotangale and A.S. Rao for the applicant.

Shri S.J. Mehta for the respondent.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 17.10.2005.

P.C. :

. By this reference under section 256 (1) of the Income-tax Act, 1961, the Income-tax Appellate Tribunal has referred the following question of law for the opinion of this Court:

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the sales in foreign currency in India also as export sales for the purpose of deduction under sec. 80-HHC of the I.T. Act, 1961.?"

. Learned Counsel for the parties agreed that the above question is already answered by the Division Bench of this Court in the case of **CIT vs Silver and Arts Palace, (2003) 259 ITR 684** and also in the case of in the case of assessee itself in Income Tax Reference No. 315 of 1995 decided on 10.8.2005, in the affirmative i.e. in favour of the

assessee and against the Revenue. In this view of the matter, we answer the above question in the affirmative i.e. in favour of the assessee and against the Revenue.

. Reference accordingly stands disposed of with no order as to costs.

(J.P. DEVADHAR,J.) **(V.C. DAGA,J.)**